

# SENATE BILL REPORT

## SB 5180

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As Reported By Senate Committee On:  
Labor, Commerce, Research & Development, February 07, 2008

**Title:** An act relating to regulating tattooing and body piercing businesses.

**Brief Description:** Regulating tattooing and body piercing. REVISED FOR SUBSTITUTE:  
Requesting the Department of Health to conduct a study of body piercing and tattooing.

**Sponsors:** Senators Kastama, Marr, Berkey, Shin, Murray, Rasmussen and Pflug.

**Brief History:**

**Committee Activity:** Labor, Commerce, Research & Development: 2/01/07; 2/05/08, 2/07/08  
[DPS, DNP].

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### SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 5180 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist, Ranking Minority Member; Franklin, Hewitt, King and Prentice.

**Minority Report:** Do not pass.

Signed by Senator Murray.

**Staff:** Ingrid Mungia (786-7423)

**Background:** The Secretary of the Department of Health (DOH) establishes requirements for the sterilization of needles and instruments used by tattoo artists. These rules address both sterilization procedures and universal precautions for preventing the spread of disease. There are no similar provisions for body piercing.

**Summary of Bill (Recommended Substitute):** Directs DOH to conduct a study of the tattooing and body piercing professions and make recommendations, and to what extent, to the Legislature as to whether the professions should be regulated. DOH must submit a report detailing its findings and recommendations to the appropriate legislative committees by January 1, 2009.

**EFFECT OF CHANGES MADE BY LABOR, COMMERCE, RESEARCH & DEVELOPMENT COMMITTEE (Recommended Substitute):** Directs DOH to conduct a study of the tattooing and body piercing professions and make recommendations to the Legislature as to whether the professions should be regulated. Directs DOH to submit a

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report detailing its findings and recommendations to the appropriate legislative committees by January 1, 2009.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested a ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill takes effect on July 1, 2008.

**Staff Summary of Public Testimony on Substitute Bill:** PRO: Most people think tattooing and body piercing is regulated in Washington State; however, it is not regulated. The Department of Licensing will inspect these tattooing and body piercing facilities. This bill uses, on a contract basis, local health departments to inspect these facilities. This subject has been a very contentious issue. As health care costs soar and access to care goes farther out of reach, our efforts should be focused on prevention. This bill is against the spread of disease. This is for public safety. Our laws are made for the worse in our community. That is why this bill must move forward. There are a lot of body piercing and tattooing facilities that don't need regulations, but there are some that do. The state has an obligation to provide safety for our public, this bill gives us that.

CON: This bill places responsibility in public health. The public health system is currently severely underfunded. This is not a priority public health concern, and constitutes an unfunded mandate. Licensing is a misnomer, it implies exclusivity, standardized training, and testing. A more appropriate form would be registration or a permit based system. Revealing client information would violate HIPPA and citizens rights because Washington is a nondisclosure state. Not opposed to licensing or inspections, it just needs to be reasonable.

OTHER: DOH would have the same role for adopting rules and standard precautions. There would be a fee associated with the registration requirement with the DOL.

**Persons Testifying:** PRO: Senator Kastama, prime sponsor; Kitty Candelaria, National Hepatitis C Institute; David Kile, Washington State Cosmetology Institute.

CON: Penny Rudy, Society of Permanent Cosmetic Professionals; Troy Amundson, Apocalypse Tattooing and Piercing; Rick Mockler, WA State Association of Local Public Health Office.

OTHER: Trudie Touchette, DOL; Patti Rathbun, DOH.